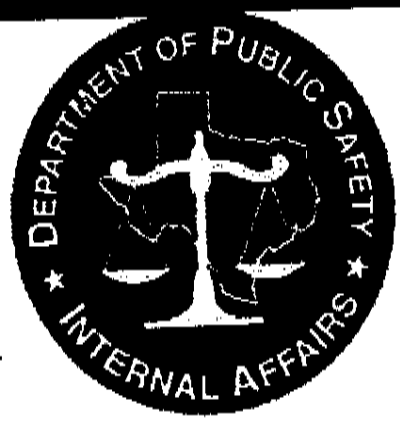


PERSONNEL COMPLAINT
C08-129
ORIGINAL

VOL. I

IA#C08-129 RE:AI08-051 10-15-08 MS
CMPLNT AGST WALT ANTHONY GOODSON #8186
CLE CIS LT AUSTIN/HQ
CMPLNT JAMES WALTER BRUBAKER #4149
CLE STAFF INT CHIEF AUSTIN/HQ

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001
512/424-2000
www.txdps.state.tx.us

September 15, 2009

Lieutenant Walt Goodson
Texas Department of Public Safety
Criminal Intelligence Service
9000 North Interstate 35
Austin, Texas 78753-5299

RECEIVED
SEP 16 2009
INTERNAL AFFAIRS

Reference: Personnel Complaint # CO8-129

Dear Lieutenant Goodson:

As administrative Departmental disciplinary action for the sustained conduct, as prescribed in Assistant Director Thomas Ruocco's letter of August 28, 2009, you will receive three (3) days off duty without pay.

The three (3) days off duty without pay will be assessed on September 21st, 22nd and 23rd, 2009, in accordance with General Manual, Chapter 7A, Section 07.44.02.

I solicit your best efforts on all future endeavors.

Sincerely,

Gene Hawkins

Gene Hawkins, Commander
Criminal Intelligence Service

WGH:lkj

cc: Thomas Ruocco, Assistant Director, Criminal Investigation Division
Stuart Platt, Chief, Office of General Counsel
Paula Logan, Director, Human Resources
Doug Wrentz, Captain, Criminal Intelligence Service
✓Robert Hawkins, Acting Captain, Internal Affairs

Attachment: 1

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001
512/424-2000
www.txdps.state.tx.us

August 28, 2009

Lieutenant Walt Goodson
Criminal Intelligence Service
Texas Department of Public Safety
9000 N. Interstate 35
Austin, TX 78753-5299

Dear Lieutenant Goodson:

This is to officially notify you of my decision regarding the Disciplinary Action Hearing held on July 31, 2009. After reviewing the investigative file and carefully considering your points of contention, I have decided to amend the original discipline assessed in Complaint Investigation C08-12~~8~~9.

The first allegation states that in February 2007 you became a sales representative for a polygraph manufacturer and failed to submit the required HQ-43 for secondary employment. The second allegation states that the secondary employment created a conflict of interest with the Department.

Both allegations of this complaint are classified as ***sustained***. Your conduct is in violation of: DPS General Manual, Chapter 6, Section 06.20.02 and Chapter 7, Section 07.36.03.

I have determined disciplinary action of three days off without pay is appropriate. I have decided to remove the disciplinary probation. I recognize that you were misinformed by your superior about potential conflict issues associated with this secondary employment position and took this into consideration when determining disciplinary action. I reiterate that the disciplinary action for these offenses was mitigated by this fact, as I do not believe you purposely disregarded departmental policy. The days off without pay will be assessed by Commander W. Gene Hawkins in accordance with General Manual, Chapter 7A, Section 07A.44.02.

You are further advised that any subsequent violations of Department of Public Safety policies or procedures may result in more severe disciplinary action.

Should you desire to appeal this disciplinary action, you may within ten (10) days request a review by the Director. Appeal procedures are contained in the Department of Public Safety General Manual, Chapter 7A. This request should be sent to the Director with copies to your in-line supervisors.

Sincerely,

Thomas G. Ruocco, Assistant Director
Criminal Law Enforcement Division

TGR:cdw

cc: Commander W. Gene Hawkins, Criminal Intelligence Service
Captain Doug Wrentz, Criminal Intelligence Service
Chief Stuart Platt, Office of General Counsel
Director Paula Logan, Human Resources
Acting Captain Robert Hawkins, Internal Affairs, C08-129

Received at 2:45 **a.m./p.m. on the** 4th **day of** ~~August~~ September **2009.**

Walt Goodson

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0400
512/424-2130
www.txdps.state.tx.us

July 24, 2009

Lieutenant Walt Goodson
Criminal Intelligence Service
Texas Department of Public Safety
9000 N. Interstate 35
Austin, TX 78753-5299

Dear Lieutenant Goodson:

This is to acknowledge your correspondence dated July 22, 2009, in which you request a disciplinary action hearing concerning the personnel complaint initiated against you by former Criminal Law Enforcement Acting Chief James Brubaker.

This request stays the administrative departmental disciplinary action pending the results of the disciplinary action hearing. By copy of this letter, I am requesting the Human Resources Bureau to refrain from placing any correspondence in your personnel file concerning this complaint pending the final disposition.

The disciplinary action hearing will be held on Friday, July 31, 2009, at 10:00 ~~a.m.~~ in my office located at 6100 Guadalupe, Building E, Room 100, Austin, Texas. I remind you that any expenses incurred are not an obligation of the department.

Sincerely,

Thomas G. Ruocco

Thomas G. Ruocco, Chief
Criminal Law Enforcement Division

TGR:cdw

cc: Commander W. Gene Hawkins, Criminal Intelligence Service
Captain Doug Wrentz, Criminal Intelligence Service
Chief Stuart Platt, Office of General Counsel
Director Paula Logan, Human Resources
Acting Captain Robert Hawkins, Internal Affairs, C08-129

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE: 07-22-2009

TO: Thomas Ruocco, Chief, Criminal Law Enforcement Division **DIVISION:** CLE

FROM: Walt Goodson, Lieutenant, Criminal Intelligence Service

SUBJECT: **Disciplinary Action Hearing Request**

I respectfully request a Disciplinary Action Hearing as set forth in General Manual 07.46.02 to appeal the level of disciplinary action taken against me as a result of Personnel Complaint C08-128. My point of contention is that the sanctions taken against me are not appropriately mitigated by the fact that a Command level supervisor granted me approval and council regarding my actions.

CC:

Gene Hawkins, Commander Criminal Intelligence Service

Doug Wrentz, Captain, Criminal Intelligence Service

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE: 07-22-2009

TO: Thomas Ruocco, Chief, Criminal Law Enforcement Division **DIVISION:** CLE

FROM: Walt Goodson, Lieutenant, Criminal Intelligence Service

SUBJECT: **Disciplinary Action Hearing Request**

I respectfully request a Disciplinary Action Hearing as set forth in General Manual 07.46.02 to appeal the level of disciplinary action taken against me as a result of Personnel Complaint C08-128. My point of contention is that the sanctions taken against me are not appropriately mitigated by the fact that a Command level supervisor granted me approval and council regarding my actions.

CC:

Gene Hawkins, Commander Criminal Intelligence Service

Doug Wrentz, Captain, Criminal Intelligence Service

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0400
512/424-2130
www.txdps.state.tx.us

July 15, 2009

Lieutenant Walt Goodson
Criminal Intelligence Service
Texas Department of Public Safety
9000 N. Interstate 35
Austin, TX 78753-5299

Dear Lieutenant Goodson:

This is in reference to Personnel Complaint C08-128 initiated against you by Commander W. Gene Hawkins.

The first allegation states that in February 2007 you became a sales representative for a polygraph manufacturer and failed to submit the required HQ-43 for secondary employment. The second allegation states that the secondary employment created a conflict of interest with the Department.

Both allegations of this complaint are classified as ***sustained***. Your conduct is in violation of: DPS General Manual, Chapter 6, Section 06.20.02 and Chapter 7, Section 07.36.03.

This is to officially notify you that as administrative departmental disciplinary action, you will receive **three (3) days off without pay**. The days off without pay will be assessed by Commander W. Gene Hawkins in accordance with General Manual, Chapter 7A, Section 07.44.02(5)(d). You will be placed on **disciplinary probation for a period of six (6) months** beginning **August 1, 2009, and continuing through January 31, 2010**, in accordance with General Manual, Chapter 7A, Section 07.44.02(5)(e). Disciplinary action for these offenses was mitigated by the fact that you were misinformed by your superior about potential conflict issues.

A permanent copy of this letter will be placed in your personnel file stating the infraction and the fact that the reprimand was issued by the Chief of Criminal Law Enforcement. This disciplinary action is assessed in accordance with General Manual, Chapter 7A, Section 07.44.02(5)(f). You are further advised that any subsequent violations of Department of Public Safety policies or procedures may result in more severe disciplinary action.

Should you desire to appeal this disciplinary action, you may within ten (10) days request a chain-of-command administrative review, a disciplinary action hearing, or a peer review board hearing. Appeal procedures are contained in the Department of Public Safety General Manual, Chapter 7A. This request should be sent to me with copies to your supervisors.

Sincerely,

Thomas G. Ruocco

Thomas G. Ruocco, Chief
Criminal Law Enforcement Division

TGR:cdw

cc: Commander W. Gene Hawkins, Criminal Intelligence Service
Captain Doug Wrentz, Criminal Intelligence Service
Chief Stuart Platt, Office of General Counsel
Director Paula Logan, Human Resources
Acting Captain Robert Hawkins, Internal Affairs, C08-129

Received at 12:54 **a.m./p.m. on the** 20th **day of July 2009.**

Walt Goodson

2-12-09

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD – BOX 4087 – AUSTIN, TEXAS 78773-0400
(512) 424-2130

February 11, 2009

Lieutenant Walt Goodson
Criminal Intelligence Service
Texas Department of Public Safety
9000 N. Interstate 35
Austin, TX 78753-5299

Dear Lieutenant Goodson:

Please be advised that the complaint initiated against you on October 16, 2008, is still pending.

You will be notified when the investigation process has been completed.

Sincerely,

Thomas G. Ruocco

Thomas G. Ruocco, Chief
Criminal Law Enforcement

TGR:cdw

cc: Commander Gene Hawkins, Criminal Intelligence Service
Captain Doug Wrentz, Criminal Intelligence Service
Chief Stuart Platt, Office of General Counsel
Director Paula Logan, Human Resources
Captain Kent Radney, Internal Affairs, C08-129

Internal Affairs Investigations
Recommendations

Employee Name: C08-129

Lieutenant Walt Goodson, Criminal Intelligence Service, Austin

Chief's Decision or

Allegation 1 + 2 sustained

~~Upholding per Colonel~~.

disciplinary action. → ~~Allegation~~ Three days off w/out pay and six months disciplinary probation. Disciplinary action for these offenses was mitigated by the fact Lt. Goodson was misinformed by his superior about potential conflict issues.

Thomas A. R.
7/7/09

Recommendation to Director:

Comments and/or Recommendations by Assistant Director:

Decision by Director:

Ruocco, Thomas

Subject: C08-129

Colonel:

Personnel Complaint C08-129 involving Lt. Walt Goodson, CIS is on "hold" per your instructions.

The complaint alleges that Lt. Goodson failed to disclose his employment with a polygraph manufacturer on Form HQ-43 for at least one year. It is also alleged that Lt. Goodson engaged in secondary employment that created conflicts of interest with DPS.

The investigation establishes that both allegations should be sustained. I concur. The question(s) that remain appears to be the disciplinary action and who else, if anybody, should be held accountable. There is no question that if former Assistant Commander Mike Gougler were still in the employment of this agency that he should be investigated and disciplined for engaging in secondary employment that created conflicts of interest with DPS. The allegation that Assistant Commander Gougler's association and secondary employment with Axciton at a time when Axciton was the DPS sole source supplier for all its polygraph equipment borders on criminal.

That raises the question of who authorized Gougler's secondary employment with Axciton and should they be held accountable. Commander Gene Hawkins appears to be the only person in Gougler's chain of command still actively employed by this agency. Commander Hawkins should not have approved Gougler's request for secondary employment because the proposed employment created a clear conflict of interest with the Department. For Commander Hawkins to claim that he approved the employment within the context in which no one within management of CLE questioned this type of employment puts him in the same category as Assistant Commander Gougler. Commander Hawkins relyed on Gougler's advice since he (Gougler) was widely viewed as a subject matter expert in the polygraph field, while Hawkins had limited knowledge. It could also be said that the Ass't Chief and Chief of CLE equally relied on Commander Hawkin's review and assessment of secondary employment matters regarding CIS personnel.

That said, I believe Lt. Goodson should receive three days off and six months disciplinary probation on the first allegation. The second allegation that Lt. Goodson engaged in secondary employment that created conflicts of interest with DPS is mitigated by fact that he was misguided by his chain of command. Especially since Gougler was engaged in a similar, if not worse, arrangement.

As to Commander Hawkins, I will offer to your office.

Regards,
Tom

Thomas Ruocco
Chief
Criminal Law Enforcement
PH. (512) 424-2130
FAX (512) 424-5794

JSC 12/1/08

TEXAS DEPARTMENT OF PUBLIC SAFETY

Interoffice Memorandum

Date: December 1, 2008

To: Duncan Fox, Acting General Counsel

From: Cheryl Wenzel, Criminal Law Enforcement

Re: Personnel Complaint
Internal Affairs #C08-129
Lieutenant Walt Goodson, Criminal Intelligence Service, Austin

---

Criminal Law Enforcement requests a review of the above mentioned file. Please initiate attorney's review of this report.

cdw

to Cth2 ~~12/30/08~~ 1/7/09 for action

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE: 11/26/08

DIVISION: CLE

TO: James Brubaker, Chief, Criminal Law Enforcement

FROM: William Hawkins, Commander, Criminal Intelligence Service

SUBJECT: Personnel Complaint Number C08-129,Lieutenant Walt Goodson

RESPONSE TO PERSONNEL COMPLAINT
NUMBER CO8-129 INVOLVING
LIEUTENANT WALT GOODSON

I have reviewed personnel complaint number C08-129 involving Criminal Intelligence Service Lieutenant Walt Goodson, whereby it is alleged that the following Department violations were committed, namely:

Allegation I

In approximately February of 2007, it has been reported that Lieutenant Walt Goodson became a sales representative of the polygraph division of Lafayette Instrument Company. Goodson failed to disclose this secondary employment on Form HQ-43 until February of 2008.

General Manual 07.36.03-Secondary Employment (Commissioned Personnel) Secondary employment is not encouraged but is permitted under the following conditions:

2 (a). Employees who desire to engage in secondary employment which does not require the use of the employee's police officer commission, or which does not involve the carrying of a firearm, and that does not create a conflict of interest are not subject to prior notice; however, employees are directed to notify their immediate supervisor of the fact that they have decided to engage in secondary employment by submission of form HQ-43 as the means of notification within three (3) days.

Response:

From all accounts contained in the personnel complaint lodged against Lieutenant Walt Goodson, there is no question that supporting documentation has been discovered that he commenced employment with the Lafayette Instrument Company at least one (1) year prior to his submission of a Secondary Employment (HQ-43) form, as mandated by the Department. The failure on Lieutenant Goodson's part to timely submit the required form clearly demonstrates negligence on his part which cannot be simply overlooked. This is a requirement of every commissioned member of the Department of Public Safety.

Upon first receiving notification that Lieutenant Goodson desired to commence employment with the polygraph instrument vendor, Lafayette Instrument Company in January of 2008, I felt it to be rather peculiar that Lieutenant Goodson was submitting this mandatory form notifying the

Department of Public Safety at such an early time, due primarily because they are not usually received until the latter part of February of the first of March. To my surprise, Goodson's submission of the secondary employment form was not early but was submitted one (1) year late instead, following his receipt of monetary compensation by the company.

The fact that Lieutenant Goodson submitted the Secondary Employment (HQ-43) form at this juncture, without any indication so to speak on his part to acknowledge and ensure that his employment with the Lafayette Instrument Company for the past year was brought to the immediate attention of his entire chain of command raises questions regarding this being a critical oversight on his part. To the contrary, there was no explanation extended on his behalf that he had engaged in an employment relationship with Lafayette Instrument Company for at least a year prior to his written notification to the Department.

Allegation II

Lieutenant Goodson performed official duties for DPS wherein Goodson's independent judgment could reasonably be expected to be impaired because of his relationship with Lafayette Instrument Company. Specifically, Goodson participated in bid processes by which the Department purchased polygraph instruments from Lafayette and its competitors and Goodson participated in DPS polygraph schools at which Lafayette instruments and competitor instruments were used, evaluated, and discussed.

General Manual 06.20.02-Standards of Conduct

a. An employment shall not:

4) accept other employment, including self-employment, or compensation or engage in a business, charity, non-profit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;

As a supervisor, President of the Texas Law Enforcement Polygraph Investigators organization and Coordinator of the Texas Department of Public Safety Polygraph School, Lieutenant Goodson should have realized that by accepting the position of sales representative with the Lafayette Instrument Company, that this decision on his part might at some point subject him to certain scrutiny by other polygraph vendors who were in competition for the Department of Public Safety business. He should have known that the employment with the Lafayette Instrument Company may come with a price. The fact that the position with the Lafayette Instrument Company appeared to be too good to be true in as far as being paid a financial consideration for doing very little work should have been a clue that the company may have been interested in marketing the fact that their sales representative was on staff as the Coordinator of the DPS Polygraph School. Lieutenant Goodson should have realized that his working relationship with the Lafayette Instrument Company had the possibility of being scrutinized by other competing polygraph instrument vendors, some of which had a long term established relationship with the Department of Public Safety Polygraph School.

The critical point came when Lieutenant Goodson participated in the bidding process as it relates to the submittal of questionable information as it related to the alleged inferior performance and qualifications of the Stoelting polygraph instrument, which had submitted the lowest bid to sell polygraph instruments to the Department. The information provided by Goodson was accepted at face value and acted upon due to the belief that solid and responsible research had been conducted

by him. It was later determined that much of the results of the research provided by Goodson was his personal opinion rather than being based upon the facts regarding the performance and qualifications of the Stoelting polygraph instrument, as compared to other competing vendors which were not awarded the bid.

In summation, it is reasonable to conclude that based upon the submission of facts contained in the personnel complaint investigation filed against Lieutenant Goodson, that sufficient information exists to sustain both violations of Department policy. Members of the Department of Public Safety, when confronted with choices to be made are expected to exercise sound judgment which may reflect positively on the Department. When making those choices, they should also be willing to accept the consequences of their decisions and be held accountable for their actions.

In taking everything into account, as well as summoning available resources as it relates to similar occurrences, it is my belief that sufficient justification exists for imposing the following disciplinary action:

Recommended discipline. Eight (8) days off without pay. Six (6) months probation.

W.G. Hawkins 11-26-08

Gene Hawkins, Commander, Criminal Intelligence Service ☑ Approve
☐ Not Approved

James Brubaker, Chief, Criminal Law Enforcement ☐ Approve
☐ Not Approved

Copy to CIS
10-16-08

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE: 10-16-08

TO: James Brubaker, Acting Chief, Criminal Law Enforcement

DIVISION: D.S.

FROM: KR Kent Radney, Captain, Internal Affairs

RE: C08-129
(See AI08-051)

SUBJECT: Complaint Against:

Walt Anthony Goodson #8186
Criminal Intelligence Service, Lieutenant
Austin/Headquarters
W/M DOB: [redacted]

Complainant: James Walter Brubaker #4149
Staff, Interim Chief
Austin/Headquarters
W/M DOB: [redacted]

Investigator: Michael Allen Stanford #9493
Director's Staff, Internal Affairs, Lieutenant
Austin/Headquarters
W/M DOB: [redacted]

Please be advised that Internal Affairs file number C08-129 has been assigned to this case. Internal Affairs was notified on 10-15-08.

KR:ck

Copy: Office of General Counsel

11/5/08 received from IA
11/6/08 - to HAWK, CIS, for recommendation.

%10,1%
1 TEXAS DEPARTMENT OF PUBLIC SAFETY

DATE: 05 22 2008 EMPLOYEE BIOGRAPHICAL SKETCH PAGE 1

NAME-GOODSON, WALT ANTHONY DOB-[redacted] SEX-[redacted] RACE-[redacted] HGT.[redacted] WGT.-[redacted] EYES[redacted] HAIR-[redacted]

HOME ADDR-[redacted] CITY-[redacted] HOME PHONE-[redacted] SS#-[redacted] ID#-08186

WORK ADDR-9000 IH-35 N CITY-AUSTIN, TX 78753 WORK PHONE-(512) 997-4174 0000 MARITAL STATUS-MAR DLN-[redacted]

OTHER NAME- BIRTH PLACE-[redacted] SPOUSE NAME-[redacted] BLOOD TYPE-[redacted]

UNMARRIED NAME-

—CHILDS NAME SEX DOB— ——EMERGENCY NOTIFICATION—— ——EDUCATION—— —TCLEOSE CERTIFICATES— -COMMISSION DATES-

[redacted] DEGREE-BACH OF ARTS MAS 03/07/05 06/02/95-CURRENT
YEAR OF DEGREE- 94 INSTRUCTOR 03/08/05
78628 COLLEGE UNITS-131
MJR-CRIMINAL JUST.
MNR-

MAJOR DIV.-CRIMINAL LAW ENFORCEMENT
MINOR DIV.-CRIMINAL INTELLIGENCE REG 5
REGION -
DISTRICT-
SGT AREA-
BUDGET CODE-71621 HOME ADDR. RELEASE-NO
FLSA STATUS- PHOTOGRAPH RELEASE-NO
GROUP-C5 STEP-3
SALARY- 5,684.66
CLASS. JOB #-9941
CLASS. TITLE-LIEUTENANT, PUBLIC SAFETY
WORKING JOB #-CLE/CIS-11
WORKING TITLE-LIEUTENANT, POLYGRAPH

——COMMENDATIONS——

DATE	NATURE
09/08/06	PUBLIC SERVICE
08/29/06	GENERAL PERFORMANCE
03/09/05	PUBLIC SERVICE
10/04/04	GENERAL PERFORMANCE
07/05/04	CRIMINAL
10/20/97	CRIMINAL

——ACCIDENTS——

——AWARDS——

DATE	NATURE
02/26/98	REG COMMANDER AWARD

1 TEXAS DEPARTMENT OF PUBLIC SAFETY

DATE: 05 22 2008 EMPLOYEE BIOGRAPHICAL SKETCH PAGE 2

NAME-GOODSON, WALT ANTHONY

——DPS EMPLOYMENT——

START	TERMINATE	DIV/SER/UNIT	JOB TITLE	STATION	CLASS	TYPE	EMP.
06/02/07		CIS-CLE	LIEUTENANT, PUBLIC SAFETY	AUSTIN	9941	FULL	
06/01/07	06/02/07	CIS-CLE	LIEUTENANT, PUBLIC SAFETY	AUSTIN	9941	FULL	
09/01/04	06/01/07	CIS-CLE	LIEUTENANT, PUBLIC SAFETY	AUSTIN	9941	FULL	
06/02/03	09/01/04	CIS-CLE	SERGEANT, PUBLIC SAFETY	AUSTIN	9940	FULL	
09/01/01	06/02/03	CIS-CLE	SERGEANT, PUBLIC SAFETY	AUSTIN	9940	FULL	
09/01/01	09/01/01	CIS-CLE	SERGEANT, PUBLIC SAFETY	KILLEEN	9940	FULL	
09/01/01	09/01/01	CIS-CLE	SERGEANT, PUBLIC SAFETY	KILLEEN	9940	FULL	
07/01/01	09/01/01	CIS-CLE	SGT/INVESTIGATOR, CLE, DPS	KILLEEN	1002	FULL	
03/01/01	07/01/01	CIS-CLE	SGT/INVESTIGATOR, CLE, DPS	BAYTOWN	1002	FULL	
07/01/99	03/01/01	HIGHWAY PATROL	TROOPER II, TLE, DPS	AUSTIN	T008	FULL	
07/01/99	07/01/99	HIGHWAY PATROL	TROOPER I, TLE, DPS	AUSTIN	T009	FULL	
02/01/98	07/01/99	HIGHWAY PATROL	TROOPER I, TLE, DPS	AUSTIN	T009	FULL	
09/01/97	02/01/98	HIGHWAY PATROL	TROOPER I, TLE, DPS	BASTROP	T009	FULL	
10/01/96	09/01/97	HIGHWAY PATROL	TROOPER I, TLE, DPS	BASTROP	T009	FULL	
08/01/96	10/01/96	HIGHWAY PATROL	TROOPER I, TLE, DPS	ELGIN	T009	FULL	
06/03/96	08/01/96	HIGHWAY PATROL	TROOPER I, TLE, DPS	KINGSVILLE	T009	FULL	
12/02/95	06/03/96	HIGHWAY PATROL	PROB TROOPER (2ND 6 MO), DPS	KINGSVILLE	T003	FULL	
06/02/95	12/02/95	HIGHWAY PATROL	PROB TROOPER (1ST 6 MO), DPS	KINGSVILLE	T002	FULL	
12/06/94	06/02/95	ACADEMY TRAINEE	TROOPER TRAINEE, DPS	AUSTIN	T001	FULL	

RECEIVED

DEPARTMENT OF PUBLIC SAFETY

OCT 13 2008

INTEROFFICE MEMORANDUM

DIRECTOR
DEPT. OF PUBLIC SAFETY

DATE: 10/13/2008

TO: Stanley E. Clark, Director

FROM: James W. Brubaker, Chief, Criminal Law Enforcement Division

SUBJECT: Request for Internal Affairs to conduct Personnel Investigation

On October 13, 2008, I reviewed Administrative Inquiry AI08-051 on Criminal Intelligence Service Lieutenant Walt Goodson. After a review by the Office of General Counsel, it was determined that an official complaint should be filed against Lieutenant Goodson for violation of the Secondary Employment Policy and Standards of Ethical Conduct for State Employees relative to Lieutenant Goodson working secondary employment with a polygraph company while serving as the Department's polygraph school coordinator. Lieutenant Goodson's chain of command approved the secondary employment upon being notified of said employment. Given the involvement of the chain of command, I do not believe that it is in the best interest of the Department for the chain of command to assign an investigator.

In order to maintain the integrity of the complaint investigative process and ensure that an impartial investigation is conducted, I respectfully request that this investigation be assigned to Internal Affairs.

Respectfully submitted,

James W. Brubaker, Chief
Criminal Law Enforcement Division

C08-129

RECEIVED

OCT 15 2008

INTERNAL AFFAIRS

Assign IA to investigate
Stanley E. Clark, Director
10-14-08

assigned to Mike Stanford
K.L. Rodney, Capt.
10/15/08

RECEIVED

OCT 16 2008

CRIMINAL LAW
ENFORCEMENT

10-15 08

RECEIVED

DEPARTMENT OF PUBLIC SAFETY

OCT 13 2008

INTEROFFICE MEMORANDUM

DIRECTOR
DEPT. OF PUBLIC SAFETY

DATE: 10/13/2008

TO: Stanley E. Clark, Director

FROM: James W. Brubaker, Chief, Criminal Law Enforcement Division

SUBJECT: Request for Internal Affairs to conduct Personnel Investigation

On October 13, 2008, I reviewed Administrative Inquiry AI08-051 on Criminal Intelligence Service Lieutenant Walt Goodson. After a review by the Office of General Counsel, it was determined that an official complaint should be filed against Lieutenant Goodson for violation of the Secondary Employment Policy and Standards of Ethical Conduct for State Employees relative to Lieutenant Goodson working secondary employment with a polygraph company while serving as the Department's polygraph school coordinator. Lieutenant Goodson's chain of command approved the secondary employment upon being notified of said employment. Given the involvement of the chain of command, I do not believe that it is in the best interest of the Department for the chain of command to assign an investigator.

In order to maintain the integrity of the complaint investigative process and ensure that an impartial investigation is conducted, I respectfully request that this investigation be assigned to Internal Affairs.

Respectfully submitted,

James W. Brubaker, Chief
Criminal Law Enforcement Division

Assign IA to investigate
Stanley E. Clark, Director
10-14-08

RECEIVED
OCT 3 1 2008
CRIMINAL LAW ENFORCEMENT

Internal Affairs Investigations
Recommendations

Returned to IA to investigate CI 10-1508

Employee Name: AI08-051

Lieutenant Walt Goodson, Criminal Intelligence Service

Chief's Decision or

Recommend C-1, request Internal Affairs Conduct investigation
[illegible] 10/13/2008

Recommendation to Director:

XXX

Comments and/or Recommendations by Assistant Director:

XXX

Decision by Director:

XXX

TEXAS DEPARTMENT OF PUBLIC SAFETY

Interoffice Memorandum

Date: May 19, 2008

To: Lieutenant Colonel David McEathron

From: Kent W. Mawyer, Chief, Criminal Law Enforcement Division

Re: Request for Assistance from Internal Affairs Unit

A potential complaint has been received from a polygraph vendor regarding the actions of Lieutenant. Walt Goodson during a procurement process and during polygraph school. I am requesting this information be investigated as an administrative inquiry by Internal Affairs. Captain Radney has indicated that Lieutenant Mike Stanford is available.

KWM:cw

Wenzel, Cheryl

From: Mawyer, Kent
Sent: Wednesday, May 21, 2008 11:20 AM
To: Wenzel, Cheryl
Subject: FW: Request for Assistance

Attachments: Goodson, Walt.pdf

Kent W. Mawyer
Chief, Criminal Law Enforcement
512.424.2130

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message."

From: McEathron, David
Sent: Monday, May 19, 2008 3:11 PM
To: Mawyer, Kent; Radney, Kent
Subject: FW: Request for Assistance

approved

From: Weiss, Carolyn
Sent: Monday, May 19, 2008 3:01 PM
To: McEathron, David
Subject: Request for Assistance

Goodson, Walt.pdf
(16 KB)

Carolyn Weiss
Executive Assistant to Chief
Criminal Law Enforcement Division
Texas Department of Public Safety
512.424.2130 office
512.424.5794 fax

"This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message."

orig to CIS OS-2 16

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE: 05-23-2008

TO: Kent Mawyer, Chief, Criminal Law Enforcement

DIVISION: DS.

KR **FROM:** Kent Radney, Captain, Internal Affairs

RE: AI08-051

SUBJECT: Administrative Inquiry Involving:

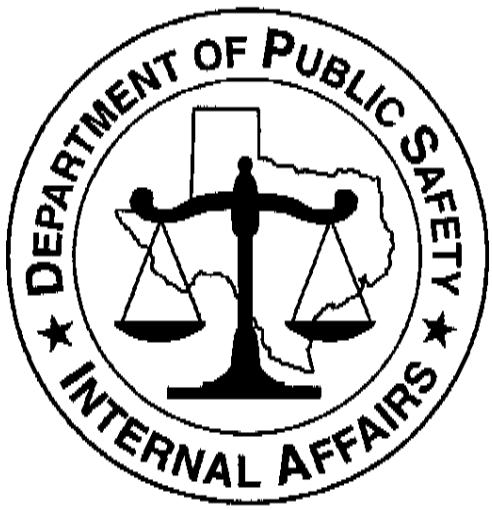
Walt Anthony Goodson #8186
Criminal Intelligence Service, Lieutenant
Austin/Headquarters
W/M DOB: [redacted]

Complainant: Sue Luttrell
Axciton Sales Representative
200 Luna Park Drive #110
Alexandria, VA 22305
(no other identifiers)

Investigator: Michael Allen Stanford #9473
Director's Staff, Internal Affairs, Lieutenant
Austin/Headquarters
W/M DOB: [redacted]

Please be advised that Internal Affairs file number AI08-051 has been assigned to this case. Internal Affairs was notified on 05-20-08.

KR:ck



PERSONNEL COMPLAINT
I.A. #C08-129

EMPLOYEE: Walt Anthony Goodson #8186
Criminal Intelligence Service, Lieutenant
Austin/Headquarters

REQUESTED BY: James Walter Brubaker #4149
Interim Chief, Criminal Law Enforcement
Austin/Headquarters

Date of Incident:	February 2007 through August 2008
Date DPS Notified:	05-20-08
Date I.A. Assigned:	10-15-08
Date I.A. Completed:	11-05-08

Copy James Brubaker, Interim Chief, Criminal Law Enforcement Division

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

TO: Kent Radney, Captain, Internal Affairs

FROM: Michael A. Stanford, Lieutenant Internal Affairs

DATE: 11/05/2008

SUBJECT: C08-129 – Personnel Complaint Concerning:

Walt Anthony Goodson #8186
Lieutenant, CIS/CLE
Austin
DOE: 12/06/1994

In compliance with your instructions, I have investigated Personnel Complaint #C08-129 and submit this report.

This investigation began as Administrative Inquiry #AI08-051 regarding Lieutenant Walt Goodson. During that investigation it was established Lieutenant Walt Goodson began working as a sales representative for Lafayette Instrument Company, a polygraph instrument vendor, in approximately February 2007. Goodson was the coordinator for the DPS polygraph school and played a material role in the procurement of polygraph instruments for the Department. It was established in the administrative inquiry that Goodson did not submit a secondary employment form (HQ-43) related to this employment until 02/08/2008. It was also established that Goodson's employment with Lafayette Instrument Company was in direct conflict with the interests of the Department when viewed in conjunction with Goodson's role at the DPS polygraph school and Goodson's involvement in the procurement of polygraph instruments for the Department. Administrative Inquiry #AI08-051 (Attachment #7) is attached to this investigation as supporting documentation and investigation of these allegations.

COMPLAINT

Allegation I

In approximately February of 2007, Goodson became a sales representative of the polygraph division of Lafayette Instrument Company. Goodson failed to disclose this secondary employment on Form HQ-43 until February of 2008.

If this allegation were found to be true, Goodson would be found in violation of:

General Manual 07.36.03 – Secondary Employment (Commissioned Personnel)

Secondary employment is not encouraged but is permitted under the following conditions:

2 (a). Employees who desire to engage in secondary employment which does not require the use of the employee's police officer commission, or which does not involve the carrying of a firearm, and that does not create a conflict of interest are not subject to prior notice; however, employees are directed to notify their immediate supervisor of the fact that they have decided to engage in secondary employment by submission of form HQ-43 as the means of notification within three (3) days.

Allegation II

Goodson performed official duties for DPS wherein Goodson's independent judgment could reasonably be expected to be impaired because of his relationship with Lafayette Instrument Company. Specifically Goodson participated in bid processes by which the Department purchased polygraph instruments from Lafayette and its competitors and Goodson participated in DPS polygraph schools at which Lafayette instruments and competitor instruments were used, evaluated, and discussed.

If these allegations were found to be true, Goodson would be found in violation of:

General Manual 06.20.02 – Standards of Conduct

a. An employee shall not:

4) accept other employment, including self- nployment, or compensation or engage in a business, charity, non-profit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;

INVESTIGATION

The following persons were contacted during the course of this investigation:

*Wilburn Gene Hawkins, Commander, CIS, Austin
*Walt Goodson, Lieutenant, CIS, Austin

* Sworn Affidavit

EVIDENCE

Allegation I

TO PROVE

1. Employee Response to C08-129 by Goodson
2. Sworn Affidavit of Walt Goodson
3. Administrative Inquiry #AI08-051

TO DISPROVE
None

Allegation II

TO PROVE
1. Employee Response to C08-129 by Goodson
2. Sworn Affidavit of Walt Goodson
3. Administrative Inquiry #AI08-051

TO DISPROVE
None

Walt Goodson. On 10/22/2008, Internal Affairs interviewed Walt Goodson regarding complaint investigation C08-129 (Reference AI08-051). During the investigation regarding AI08-051, it was proven Goodson began working for Lafayette Instrument Company, a polygraph instrument vendor, in approximately February 2007. It was also proven Goodson failed to disclose this secondary employment on Form HQ-43 until February 2008. Goodson completed an HQ-43 cancelling this employment (Attachment #3) on 08/08/2008. Internal Affairs obtained the cancellation HQ-43 on 10/16/2008. During the interview regarding C08-129, Goodson provided internal Affairs with his employee response to C08-129 on interoffice memorandum (Attachment #4). In his rebuttal regarding allegation #1, Goodson acknowledged he began employment for Lafayette Instrument Company starting in March 2007, but did not disclose this employment on a secondary employment form HQ-43 until February 2008. Goodson acknowledged this was an error on his part. Goodson reiterated he had spoken with then CIS Captain John Bateman and CIS Assistant Commander Mike Gougler (Retired) regarding their thoughts on the employment. Goodson stated neither Bateman nor Gougler advised a problem existed with this employment and gave their verbal permission to do so.

The investigation of AI08-051 also proved Goodson's employment with Lafayette Instrument Company was a conflict of interest that could reasonably be expected to impair Goodson's independence of judgment in the performance of his Department duties. This was compounded by Goodson's role as the coordinator of the Department's polygraph school as well as his role in the procurement of polygraph instruments for the Department. Goodson's rebuttal regarding investigation C08-129, passively admits the existence of the conflict of interest with regard to his employment with Lafayette Instrument Company. Goodson ended his rebuttal with the following statement:

"In closing please understand that there was no intent on my part to deceive, mislead or cause harm to anyone including the Department. I deeply regret my error in failing to submit the HQ-43 in accordance with policy. I also regret my lack of foresight of potential problems regarding Lafayette and apologize for all the trouble this situation has caused. I will carry the embarrassment of this situation for a lifetime."

Both AI08-051 and C08-129 identify that Goodson's chain of command ultimately became aware of Goodson's employment with Lafayette Instrument Company. Goodson's chain of command ultimately approved this employment on Goodson's HQ-43 notification in the face of the obvious conflict of interest. Goodson provided an affidavit incorporating his written statement submitted in AI08-051 (Attachment #6).

Wilburn "Gene" Hawkins. On 10/28/2008, Internal Affairs interviewed CIS Commander Gene Hawkins regarding complaint investigation C08-129. It was established in AI08-051 Hawkins submitted an interoffice memorandum providing justification for withdrawing from bid process 405-8-28008-E in which Stoelting, a polygraph vendor, was the prevailing low bidder. It was established the reasons provided by Hawkins in his interoffice memorandum included some factually erroneous reasons for the withdrawal. It was established in AI08-051 that Walt Goodson actually authored these reasons and provided them to Assistant Commander Mike Gougler. Gougler then provided this list to Hawkins who placed them on an interoffice memorandum as authored by him and then forwarded this document to accounting to justify withdrawal from this bid process.

Hawkins was asked to explain why he chose to send this information to accounting in memorandum form as authored by him, rather than a memorandum authored by Gougler or Goodson with his approval documented on it. Hawkins explained he discussed each of the seven reasons provided with Gougler. According to Hawkins, Gougler provided convincing information as justification for not accepting the Stoelting bid. Hawkins stated Gougler convinced him the memorandum would look better coming from Hawkins since he (Gougler) was the Polygraph School Director and Walt was the Polygraph School Coordinator. In addition to this, Hawkins stated Gougler had the responsibility of overseeing the polygraph operations of the Department as well as budgetary matters related to polygraph expenditures. Hawkins said he felt the counsel provided by Gougler was sound. Furthermore, Hawkins had no reason to believed Gougler's information regarding the matter to be inaccurate, since he was widely viewed as a subject matter expert in the polygraph field, while Hawkins had limited knowledge in the field. Hawkins provided a written statement documenting this interview (Attachment #5).

CLASSIFICATION

Allegation I
Sustained

Allegation II
Sustained

EVALUATION

It is the opinion of this investigator that all individuals contacted during the investigation of C08-129 were truthful during the course of this investigation. It was established in administrative inquiry AI08-051 and administrative complaint investigation C08-129 that

Walt Goodson began working for Lafayette Instrument Company in approximately February 2007. It was also proven Goodson failed to disclose this secondary employment on Form HQ-43 until February 2008 in violation of Department policy. This was established by Goodson's own statements and supported by documentary evidence in both investigations.

It was also proven in both investigations that Goodson's employment with Lafayette Instrument Company was a conflict of interest that could reasonably be expected to impair Goodson's independence of judgment in the performance of his Department duties. This was also supported by Goodson own statements and documentary evidence which included his involvement in two bid processes for the purchase of polygraph instruments by the Department while an employee of Lafayette Instrument Company.

It is established CIS Commander Gene Hawkins submitted a memorandum to withdraw from bid process 405-8-28008-E which included erroneous information to support this withdrawal. He did so, based on the advice of his subordinate and polygraph subject matter expert Assistant Commander Mike Gougler, whom he trusted. Gougler also convinced him, the memorandum would be better received if authored by Hawkins due to Gougler's involvement in polygraph matters of the Department. It is believed by Internal Affairs, however, this encouragement by Gougler for Hawkins to author this memorandum was more likely motivated by Gougler's own historical employment with Axciton, another polygraph vendor, and clouded by Goodson's employment with Lafayette Instrument Company.

Respectfully submitted,

Michael A. Stanford, Lieutenant
Internal Affairs

KR 11/5/08

Table of Contents

LIST OF ATTACHMENTS

1. Interoffice Memorandum Investigation Initiation, dated 10/13/2008
2. Personnel Complaint Form (C-1), dated 10/17/2008
3. Secondary Employment Cancellation Form (HQ-43), dated 08/08/2008
4. Goodson's Employee Response to C08-129, dated 10/22/2008
5. Sworn Affidavit of Wilburn Gene Hawkins, dated 10/28/2008
6. Sworn Affidavit of Walt Goodson, dated 10/22/2008
7. Administrative Inquiry AI08-051

1

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE: 10-16-08

TO: James Brubaker, Acting Chief, Criminal Law Enforcement

DIVISION: D.S.

FROM: Kent Radney, Captain, Internal Affairs

RE: C08-129
(See AI08-051)

SUBJECT: Complaint Against:

Walt Anthony Goodson #8186
Criminal Intelligence Service, Lieutenant
Austin/Headquarters
W/M DOB: [redacted]

Complainant: James Walter Brubaker #4149
Staff, Interim Chief
Austin/Headquarters
W/M DOB: [redacted]

Investigator: Michael Allen Stanford #9473
Director's Staff, Internal Affairs, Lieutenant
Austin/Headquarters
W/M DOB: [redacted]

Please be advised that Internal Affairs file number C08-129 has been assigned to this case. Internal Affairs was notified on 10-15-08.

KR:ck

Copy: Office of General Counsel

RECEIVED

DEPARTMENT OF PUBLIC SAFETY

OCT 1 3 2008

INTEROFFICE MEMORANDUM

DIRECTOR
DEPT. OF PUBLIC SAFETY

DATE: 10/13/2008

TO: Stanley E. Clark, Director

FROM: James W. Brubaker, Chief, Criminal Law Enforcement Division

SUBJECT: Request for Internal Affairs to conduct Personnel Investigation

On October 13, 2008, I reviewed Administrative Inquiry AI08-051 on Criminal Intelligence Service Lieutenant Walt Goodson. After a review by the Office of General Counsel, it was determined that an official complaint should be filed against Lieutenant Goodson for violation of the Secondary Employment Policy and Standards of Ethical Conduct for State Employees relative to Lieutenant Goodson working secondary employment with a polygraph company while serving as the Department's polygraph school coordinator. Lieutenant Goodson's chain of command approved the secondary employment upon being notified of said employment. Given the involvement of the chain of command, I do not believe that it is in the best interest of the Department for the chain of command to assign an investigator.

In order to maintain the integrity of the complaint investigative process and ensure that an impartial investigation is conducted, I respectfully request that this investigation be assigned to Internal Affairs.

Respectfully submitted,

James W. Brubaker, Chief
Criminal Law Enforcement Division

C08-129

RECEIVED

OCT 1 5 2008

INTERNAL AFFAIRS

Assign IA to investigate
Stanley E. Clark, Director
10-14-08

assigned to Mike Stanford
K.B. Rodney, Capt.
10/15/08

2

TEXAS DEPARTMENT OF PUBLIC SAFETY

Personnel Complaint

☒ Original

☐ Amended

☐ Correction

☐ Addendum

Complaint No: C08-129

Date: 10/17/2008

Complainant's full name (print or type)	Complainant's address:	Telephone No.:
James W. Brubaker, Chief, CLE	6100 Guadalupe, Austin, Texas 78752	512-424-2130

Day & date of alleged misconduct:	Approximate time of alleged act(s) of misconduct:
February 2007 through August 2008	-

Location where incident occurred: Texas Department of Public Safety, Austin, Texas

If a person was arrested print or type name of arrested person:	Arrested person's address:	Telephone No.:
None	-	-

Indicate relationship of arrested person to complainant: -

Name or other identifying information relating to the DPS employee against whom the allegation(s) is/are being made:
Walt Anthony Goodson #8186, Lieutenant, Criminal Intelligence Service, Austin

– Witness or Witnesses (if any) –

Name of witness:	Address of witness:	Telephone No.
See Attached List		

Nature of Complaint(s)

Clearly indicate the nature of your complaint. (Use reverse side of the form if more space is needed.)

Allegation I

In approximately February of 2007, you became a sales representative of the polygraph division of Lafayette Instrument Company. You failed to disclose this secondary employment on Form HQ-43 until February of 2008.

If this allegations is found to be true, Goodson would be found in violation of:

General Manual 07.36.03 – Secondary Employment (Commissioned Personnel)

Secondary employment is not encouraged but is permitted under the following conditions:

2 (a). Employees who desire to engage in secondary employment which does not require the use of the employee's police officer commission, or which does not involve the carrying of a firearm, and that does not create a conflict of interest are not subject to prior notice; however, employees are directed to notify their immediate supervisor of the fact that they have decided to engage in secondary employment by submission of form HQ-43 as the means of notification within three (3) days.

(Nature of Complaint - cont'd)

Allegation II

You performed official duties for DPS wherein your independent judgment could reasonably be expected to be impaired because of your relationship with Lafayette Instrument Company. Specifically you participated in bid processes by which the Department purchased polygraph instruments from Lafayette and its competitors and you participated in DPS polygraph schools at which Lafayette instruments and competitor instruments were used, evaluated, and discussed.

If these allegations are found to be true, Goodson would be found in violation of:

General Manual 06.20.02 – Standards of Conduct

a. An employee shall not:

4) accept other employment, including self-employment, or compensation or engage in a business, charity, non-profit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;

Copy received at 3:45 ~~a.m.~~ / p.m. on this 17 day of October, 20 08.

Employee Signature — Date 10/17/08

Signature of person initiating C-1 — Date 10/17/2008

Response Waived:

Employee Signature — Date

Signature of Person making notification — Date 10/17/08

You are reminded of your right to respond to the complaint in writing as per General Manual section 07.42.02.4a. You may waive this provision if you so desire. If a response has not been received within five (5) days, it will be assumed you chose to waive this provision.

You are further advised to refrain from contacting the complainant or witnesses in any way which might be interpreted as an attempt to discourage the complainant or witnesses from cooperating with the Department during the complaint investigation.

You are also reminded any employee who is the subject of an administrative complaint investigation shall cooperate fully and answer all questions posed to them by the investigator during such an investigation. Department employees questioned by a Department investigator concerning their knowledge of a complaint will fully cooperate and answer truthfully such questions as outlined in 07.42.04-7,8.

You are reminded to review the complaint and grievance procedures as found in General Manual Chapter 7A.

3

LAW ENFORCEMENT RELATED EMPLOYMENT
X NON-LAW ENFORCEMENT RELATED EMPLOYMENT

DEPARTMENT OF PUBLIC SAFETY
SECONDARY EMPLOYMENT INFORMATION
FOR COMMISSIONED OFFICERS

RECEIVED
AUG 1 1 2008

TO: Jesse Flores, Acting Chief, CLE
DATE: 8/8/08
FROM: Walt Goodson, Lieutenant CLE
DIVISION/SERVICE/BUREAU: Criminal Intelligence Service
ID NO: 8186
SOCIAL SECURITY NO. [redacted]

Notice Renewal X Cancellation

Name and address of business or enterprise (payor):
Lafayette Instrument Company
PO Box 5749
Lafayette, IN 47903
Telephone No. of business: 1-800-428-7545

Actual physical location of work:
[redacted] (Residence)
Telephone No. of work site: [redacted]

RECEIVED
AUG 1 4 2008

DETAILED DESCRIPTION OF DUTIES: Customer Service Representative for the state of Texas. Troubleshooting and training for users of Lafayette hardware and software. All calls and work conducted during off duty hours. No direct sales of Lafayette products.

NATURE OF BUSINESS: Polygraph instrument, software and peripheral manufacturer. Lafayette Instrument Company also manufactures various instruments used in medical and scientific fields.

DPS uniform purchased: X Yes No Date purchased: 8-1996
DPS uniform will be worn: Yes X No
Date employment to begin: 04-01-2008 Long-Term X (Over 30 days)
Date employment to end: 03-31-2009 Temporary ☐ (30 days or less)

*****ALL EMPLOYMENT REQUESTS MUST BE RENEWED BY MARCH 31ST OF EACH YEAR*****

I certify that this employment will comply with the provisions of General Manual 07.36.00.

RECEIVED
AUG 1 3 2008
CRIMINAL LAW ENFORCEMENT

Signature Date

Cancel employment
Date: 8/8/08 Signature: Walt Goodson

Bill Tut Title Captain (X) Approved ( ) Disapproved *

W.M. Hawkins 08-13-08 Title COMMANDER CRIMINAL INTELLIGENCE SERVICE TEXAS DEPT. OF PUBLIC SAFETY (✓) Approved ( ) Disapproved *

Title CHIEF CRIMINAL LAW ENFORCEMENT TEXAS DEPT. OF PUBLIC SAFETY (✓) Approved ( ) Disapproved *

Title ( ) Approved ( ) Disapproved *

Title ( ) Approved ( ) Disapproved *

(Please submit original to Major Division Chief. A copy will be returned to the applicant and the original sent to Human Resources.)

RECEIVED
AUG 1 8 2008

HQ-43 (rev. 5/04

*Reasons for disapproval of Secondary Employment

General Manual, Chapter 7, Section 07.36.04 (4) – Prohibited Secondary Employment. Based upon the department's responsibility to restrict secondary employment that adversely impacts the operations or reputation of the department, secondary employment for the following types or conditions of employment is prohibited:

- ☐ a. Any employer engaged in illegal activities
- ☐ b. Any employer engaged in a business with a conflict of interest with DPS
- ☐ c. Alcohol related business
- ☐ d. Any employer engaged in criminal defense investigation
- ☐ e. Bail Bonding companies
- ☐ f. Wrecker companies
- ☐ g. Gambling
- ☐ h. Debt collection or property repossession
- ☐ i. Sexually Oriented Businesses
- ☐ j. Any employer that requires a DPS employee to enforce "house rules"
- ☐ k. Employer engaged in controversial activities
- ☐ l. Escorting oversized vehicles
- ☐ m. Transportation industry
- ☐ n. Any employer that refuses or has refused to cooperate in any department investigation
- ☐ o. Any employer engaged in the business of soliciting funds for other organizations
- ☐ p. Any employer that poses an unreasonable risk of safety to the employee
- ☐ q. Any employer with whom associations or dealings are prohibited under General Manual, Chap. 5, Sec. 12.
- ☐ r. Employment requiring the use of privileged information
- ☐ s. Employment during the first six-month period following completion of Recruit School and until successful completion of the FTO program
- ☐ t. Employment while on disciplinary suspension. The chief may allow an exception for Resident Apt. Security
- ☐ u. A Division Chief may restrict employment during periods of disciplinary probation. The Chief may allow and exception for Resident Apt. Security
- ☐ v. Employment during periods of administrative leave or restricted duty after allegations of misconduct or the need to remove the employee from the public. The Chief may allow an exception for Resident Apt. Security.
- ☐ w. Supervisors may not report directly to or be scheduled by a subordinate in their chain of command
- ☐ x. Employment while not performing primary DPS duties satisfactorily
- ☐ y. Employment which would compromise ongoing law enforcement activities
- ☐ z. Employment outside the state absent specific approval of the Director (i.e. football games, teaching)
- ☐ aa. Employment as a law enforcement officer for any governmental entity other than the Texas Department of Public Safety
- ☐ Other _____

_____

_____

4

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE: 10/22/08

TO: James Brubaker, Chief, Criminal Law Enforcement **DIVISION:** CLE

FROM: Walt Goodson, Criminal Intelligence Service

SUBJECT: **EMPLOYEE RESPONSE TO PERSONNEL COMPLAINT C08-129**

I respectfully request consideration of the below facts when considering appropriate resolution of Personnel Complaint C08-129:

Allegation I – I acknowledge that I began employment for Lafayette Instrument Company starting in March 2007 and did not submit an HQ-43 until February 2008. I also understand that this was in complete error on my part, however please consider the following: Before I accepted employment with Lafayette, I met with both Criminal Intelligence Service Captain John Bateman (now Bureau of Information Analysis Assistant Commander) and Criminal Intelligence Service Assistant Commander Mike Gougler and asked them both for their thoughts and ultimately their permission to accept employment with Lafayette. Both Captain Bateman and Assistant Commander Gougler stated to me there was no problem in working for this employer and gave me verbal permission to do so.

It should be also known that after these above conversations, I contacted Lafayette President Chris Faucett and informed him that I would accept employment with Lafayette. President Faucett told me he would be sending me some papers to sign but they never arrived and I never inquired about them. Later I did receive some company shirts from Lafayette and I assumed I was working for Lafayette but I was not sure because I was never asked to do anything. In November 2008, I received a check from Lafayette despite not doing any work for the company. It was at this point that I clearly knew I was working for the company but it never crossed my mind to submit an HQ-43. It was not until outside employment renewals for 2008 came around that I realized I had not previously submitted this form and I immediately did so.

There were also several occasions during this time that I discussed working at Lafayette with Assistant Commander Gougler. One time specifically Assistant Commander Gougler asked me what kind of deal I could get him on a personal polygraph instrument from Lafayette. I told Assistant Commander Gougler I was not sure because I didn't know how to sell an instrument. I asked Mike if he wanted me to call President Faucett to see how much one would cost but Assistant Commander Gougler declined.

In summary, I sought and received verbal and ultimately written approval to accept employment with Lafayette; however I failed to submit the required form HQ-43 in accordance with policy. I did so simply due to neglect on my part with no intent whatsoever to hide any actions or bring discredit on the Department in any manner.

Allegation II – Before I accepted employment with Lafayette, I consulted with both Captain Bateman and Assistant Commander Gougler. Captain Bateman stated directly to me that he saw no problems with working for this company. Assistant Commander Gougler stated that he himself worked as a sales representative for Axciton Inc. for years but had quit a few years prior. Axciton

is a competitor of Lafayette and I was aware that during Assistant Commander Gougler's employment with Axciton, the Department sole source purchased all its polygraph equipment from Axciton. Assistant Commander Gougler further mentioned, a known fact to me, that Criminal Intelligence Service Sergeant Sabino Martinez was currently working as a sales representative for Axciton. It should also be noted that Sergeant Martinez has been in charge of three (3) separate polygraph schools and has taught there since 2002 while being employed as a sales representative for Axciton.

Assistant Commander Gougler and I specifically discussed the potential conflict of making a purchase of Lafayette equipment and he stated that if we did so it would be handled completely by the Department's accounting section though the competitive bidding process. I accepted this response based on Assistant Commander Gougler's rank as well as his experience as the Budget Manager for the Criminal Intelligence Service.

A time did arise in the summer of 2007 in which the Department opted to seek bids on new polygraph instruments and Assistant Commander Gougler assigned Criminal Intelligence Service Lieutenant Frank Chambers and I to write specifications for the purchase of these new instruments. There was no question in my mind at this time that Assistant Commander Gougler was aware of my employment with Lafayette as we had discussed this employment on numerous occasions.

I cannot recall all the details of this bidding process but I do remember receiving a list of bid specifications from Criminal Intelligence Service Budget Analyst Diane Schexnyder. I do recall changing one of the specifications that would have not allowed Axciton to submit a bid. I felt strongly at the time that we did not want to disqualify Axciton because they manufactured a quality instrument and it would not be in the best interest of the Department to eliminate them from the process. I remember discussing these specifications one by one with Assistant Commander Gougler before returning the specifications to Budget Analyst Schexnyder who indicated she would forward them to the Accounting Department to conduct the competitive bidding process. This was the last of my involvement in this situation until I was informed by Assistant Commander Gougler Lafayette submitted the low bid.

Around October, 2008, I recall a second situation where the Stoelting Company submitted the lowest bid for several polygraph instruments the Criminal Intelligence Service sought to purchase through the competitive bidding process. Assistant Commander Gougler instructed me to write a memo outlining reasons not to accept Stoelting's bid because it was not the best value for the Department. I did so and submitted the memo to Assistant Commander Gougler for review. Assistant Commander Gougler and I discussed the memo in detail and he suggested a few changes which I made before resubmitting the memo to him. I later received an email message from Shawn Edwards with Stoelting expressing his displeasure with our Department declining their bid. I soon after learned that Commander Hawkins had taken the above mentioned memo, made some changes and forwarded it to the Accounting Department with his name on the memo.

I have been involved in teaching and coordinating the Texas Department of Public Safety Law Enforcement Polygraph School as well as other advanced polygraph schools since 2004. I was assigned by Assistant Commander Gougler to be involved in each of these schools and he was aware of my employment with Lafayette during all of these assignments in 2007 and 2008. I was specifically instructed by Assistant Commander Gougler to not receive any proceeds on sales to any student attending polygraph school or on any sales to the Department which prior to his instruction I was keenly aware.

Assistant Commander Gougler and I were aware that there is little one could do to influence a polygraph instrument purchase at the Department's polygraph school. All attending students come

from law enforcement agencies that have previously purchased polygraph instruments for their agencies. In the 2007 and 2008 polygraph schools, only one student arrived without a polygraph instrument previously purchased. This student, Todd Dalbor, was interviewed by Internal Affairs Lieutenant Mike Stanford who stated that Dalbor's only complaint was that I refused to recommend a polygraph instrument to him. This is done not because of my relationship with Lafayette but due to the major polygraph instrument manufacturer's willingness to teach their own instrumentation at our school at their expense. I would not do anything to jeopardize the Department's relationships with these companies.

It should also be considered as to why I accepted employment with Lafayette Instrument Company. I was first approached about this employment by a friend, Mark Handler in 2006. Handler I had met around 2004 and I knew from previous conversations that Handler was a customer service representative for Lafayette and I assumed he was paid by Lafayette to teach their software. Handler told me he was leaving the state of Texas and thought I would enjoy this employment as a Texas customer service representative. Handler told me I would make little money but I would learn a great deal about intricate details of polygraph instruments by being a part of a company with numerous talented employees. I felt that Lafayette was well ahead of their competitors and this had led me in 2005 to purchase a Lafayette instrument for my personal business use. I whole-heartedly felt that this employment would enhance my polygraph knowledge and thus benefit the Department.

Handler later contacted me and stated that he was not moving and was going to keep his job so I forgot about this endeavor. Around March 2007, Handler contacted me and stated that he had spoken with President Faucett who was willing to allow both Handler and I to both become customer service representatives for Lafayette in Texas. Handler suggested I call President Faucett about this employment. As a result, President Faucett recorded my social security number and stated that he would send out an employment package with some documents to sign so that I could get started. President Faucett told me that I would be paid a percentage of every item sold in Texas by Lafayette and we agreed that I would not receive any compensation from any items sold to Texas state government. I was aware of friends in law enforcement in other states that also held this employment including Pam Shaw who is the Director of the Kentucky State Police Polygraph School. At this time I spoke with both Captain Bateman and Assistant Commander Gougler who, as I mentioned earlier, gave me verbal approval to accept this job. I never did hear from President Faucett again and I did not follow up with him because it was not important to me at the time. (I was building a home, as well as losing [redacted] and became executor of his estate during this time period)

In November 2007, I received a payment from Lafayette despite not hearing back from President Faucett and not receiving a single customer service phone call. At this time I knew I was working but the thought never crossed my mind to submit an HQ-43. It was not until February 2008 while reviewing my HQ-43 renewals for 2008 that I realized I had not submitted this form and I did so immediately.

It should be noted that I was never told by any member of my chain-of-command that I should not be working for Lafayette despite them clearly knowing that I did. I also had a casual conversation with Lieutenant Stanford, on an off day, and explained to him about this employment with Lafayette. Lieutenant Stanford later told me he remembered this conversation. Even after this investigation began in May 2008, no one advised me that I might be in violation of policy. Specifically I had a conversation with Criminal Intelligence Service Commander Gene Hawkins and Captain Doug Wrentz who would offer no advice. I specifically asked my supervisor, Criminal Intelligence Service Captain Bill Fulton, who stated that he did not know what to tell me because he had not been briefed by his supervisor (Commander Hawkins) on this situation.

It was not until Lieutenant Stanford showed me where I might be in violation of policy that I was aware of the situation. Lieutenant Stanford indicated that no one was aware of this policy in my chain-of-command and I received second hand information indicating Internal Affairs did not know of this policy until one month into this investigation. Lieutenant Stanford was the first to notify me of this possible policy violation and when he did so I terminated my employment with Lafayette the same day and I executed an HQ-43 making notification of my cancelled employment with Lafayette.

Other factors to be considered – During this administrative inquiry I have been denied an out of state travel request to attend training that was previously approved. It was not until Internal Affairs became involved before this denial was remedied. Also, I have had two (2) reasonable HQ-43s denied during the administrative inquiry. The first for Caplan Miller was denied despite the Criminal Intelligence Service approving two (2) other agents for Capan Miller in the same period of time for the same event. Also, HQ-43s were approved for Caplan Miller by the Ranger Division and Narcotics Service all for the same event. I also was also denied a request to work for Veridicus Inc. This non-commissioned employment was approved by Captain Fulton but denied by Commander Hawkins without written explanation. This denial appears to be done unilaterally and the HQ-43 was never forwarded to the Chief of Criminal Law Enforcement.

In closing please understand that there was no intent on my part to deceive, mislead or cause harm to anyone including the Department. I deeply regret my error in failing to submit the HQ-43 in accordance with policy. I also regret my lack of foresight of potential problems regarding Lafayette and apologize for all the trouble this situation has caused. I will carry the embarrassment of this situation for a lifetime.

Respectfully submitted,

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AFFIDAVIT

STATE OF TEXAS

COUNTY OF

Before me, the undersigned authority in and for the State of Texas, on this day, personally appeared Wilburn Gene Hawkins, who, after being by me duly sworn, deposed and said:

My name is Wilburn Gene Hawkins. I am of sound mind, 18 years of age or older, and competent to give this affidavit.

I am providing this affidavit to Internal Affairs pursuant to an ongoing Administrative Investigation involving Lieutenant Walt Goodson. On October 24, 2008, Lieutenant Mike Stanford of the Department's Internal Affairs Unit interviewed me regarding an Interoffice Memorandum that was written from me to Rhonda Garcia, Purchaser for the Department's Accounting and Budget and Control Section dated November 21, 2007.

The contents of the Interoffice Memorandum related to the purchasing of fourteen (14) new polygraph instruments which the Criminal Intelligence Service was desiring to acquire through the formal bidding process. The three (3) contract bidders during the bid process were the Stoelting Company, the Lafayette Instrument Company and Axciton Incorporated, of which the Stoelting Company submitted a bid which was $300.00 less per polygraph instrument than the bids submitted by the other two (2) bidders.

My best recollection about the Interoffice Memorandum was that information which was contained in it was provided to me by Criminal Intelligence Service Assistant Commander Michael C. Gougler (Since Retired.) I recall reviewing the Interoffice Memorandum that Mike had provided me with which he had reportedly received from Lieutenant Walt Goodson. In Walt's submittal, it outlined and enumerated seven (7) reasons in which the Department of Public Safety should not award the bid to the Stoelting Company. In discussing each of the reasons with Mike, he gave convincing information as justification for not accepting the Stoelting Company formal bid. I recall also Mike telling me that the Interoffice Memorandum would look better coming from me since he (Mike) was the Polygraph School Director and Walt was the Polygraph School Coordinator. Since this transaction was a polygraph related matter and Mike had the responsibility, as well as oversight regarding budgetary matters, among them being all polygraph expenditures, I felt confident that the counsel that he was providing was sound and met all established purchasing protocol and criteria.

Since that time, I have come to realize that although each of the enumerated items may have sounded like a source of contention, it is questionable as to whether or not any of them were grounds for reopening the bidding process. I had no reason to believe that the information that I had received from Mike was inaccurate. I trusted his judgment as well as the counsel that he had provided was sufficient to permit him to go forward with submitting the Interoffice Memorandum to Accounting and Budget. I have not benefited either personally nor professionally regarding the decision made regarding the polygraph instrument bidding process.

I have read the above statement consisting of one page(s), which is based on my personal knowledge, and it is true and correct.

W.G. Hawkins

Subscribed and sworn to before me, the undersigned authority in and for the State of Texas on this the 28th day of October, 2008.

MICHAEL A. STANFORD
Notary Public, State of Texas
Notary Without Bond
My Commission Expires
SEPT. 26, 2011

M.A. St

Notary

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AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS

Before me, the undersigned authority in and for the State of Texas, on this day personally appeared WALT GOODSON, who, after being by me duly sworn, deposed and said:

My name is WALT GOODSON. I am of sound mind, 18 years of age or older, and competent to give this affidavit.

Attached to this affidavit is a(n) affidavit dated 08/26/2008 consisting of 1 page(s), with an attached transcription of interview, dated 08/06/2006, consisting of 105 page(s). I have this date read, reviewed, and initialed said affidavit with attached transcription of interview and based on my personal knowledge it is true and correct.

Additional information I would like to include is: None WG

I have read the above statement consisting of 107 page(s), which is based on my personal knowledge, and it is true and correct.

Walt Goodson

Subscribed and sworn to before me, the undersigned authority, on this the 22nd **day of** October, **A.D.** 2008.

Sandra Evans

SANDRA EVANS
Notary Public, State of Texas
My Commission Expires 06-7-2011

NOTARY WITHOUT SEAL

AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS

Before me, the undersigned authority in and for the State of Texas, on this day personally appeared WALT GOODSON, who, after being by me duly sworn, deposed and said:

My name is WALT GOODSON, I am of sound mind, 18 years of age or older, and competent to give this affidavit.

Attached to this affidavit is a transcription of an interview conducted with me on 08/06/2008, consisting of 105 page(s). I have this date read, reviewed, and initialed said transcription and based on my personal knowledge it is true and correct, except as noted below.

Additional information and/or corrections I would like to include are: None WG

I have read the above statement consisting of 105 page(s), which is based on my personal knowledge, and it is true and correct.

Walt Goodson

Subscribed and sworn to before me, the undersigned authority, on this the 26th day of August, A.D. 2008.

Sandra Evans

Notary
State of Texas

SANDRA EVANS
Notary Public, State of Texas
My Commission Expires 02-07-2011

NOTARY WITHOUT BOND